

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SERIAL NO.: 10/598497

ART UNIT: 3722

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EXAMINER: Guidotti, L. C.

TITLE: FUNCTIONAL TOOTHBRUSH

Amendment B: REMARKS

Upon entry of the present amendments, previous independent Claims 9 - 16 have been canceled and new Claims 17 - 23 substituted therefor. Reconsideration of the rejections, in light of the foregoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of more clearly distinguishing the present invention from the prior art.

In the Office Action, Claims 9 - 11 and 13 - 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Moskovich patent in view of the Kweon patent, the Trojanowski publication and the Oishi patent. Claims 12 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moskovich, Kweon, Trojanowski and Oishi and as applied to Claims 9 and 13 in view of the Kaneda patent.

As an overview to the present reply, Applicant has revised previous Claim 9 in the form of new independent Claim 17. New independent Claim 17 incorporates the original limitations of independent Claim 9, along with the limitations of previous dependent Claim 11. New independent Claim 21 incorporates the limitations of previous independent Claim 13, along with the limitations of previous dependent Claim 15.

Relative to the prior art rejections, Applicant respectfully contends that the Moskovich patent does not show or suggest the present invention. In particular, the Applicant respectfully contends that the Examiner has misunderstood the Moskovich patent. Referring to the Moskovich patent, the description in column 9, lines 18 - 19 can be understood with reference to Figure 16 of the Moskovich patent. Here, the bristles 92 may be fixedly attached by staples, whereas the other bristles 86, 88 and 90 are fixedly attached using staple-free technology. However, Applicant is of the opinion that the Examiner misconstrued the description, believing that some of the bristles 86, 88, 90 and 92 may be attached by staples, and the remainder thereof may be attached using staple-free technology. In the Moskovich patent, the bristles 92, which are tufted in a circular groove having a diameter of 1.6 millimeters, may be easily fixed by a conventional method of using staples (wire). While, the other bristles having a width of 5 millimeters or greater may not be fixed using staples.

Applicant contends that the present invention has a specific technical feature in which tufts of bristles are fixed within elliptical grooves in the range of 2.5 - 5.0 millimeters and 1.6-2.5 millimeters using staples, which are grooves significantly larger than the circular grooves having the diameter of 1.6 millimeters used in the related art. New independent Claims 17 and 21 incorporate these limitations. Applicant contends that this feature was not taken under consideration by the Examiner.

An in-mold type bristle tufting machine, to which the staple-free technology is applied, includes an injecting molding machine. As such, the cost of this machine and process is relatively high. However, a method of mounting bristles using staples, as used in the present invention and embodied in the amended claims, advantageously utilizes the existing bristle tufting machine.

Furthermore, as argued in the previous amendment, the needle-shaped bristles used in the present invention cannot be tufted by the in-mold type bristle tufting machine, to which the staple-free technology is applied. Applicant urges the Examiner to consider these differences fully when examining the present invention.

While respectfully disagreeing with the Examiner's analysis, Applicant wishes to secure an allowance in the near future. As such, Applicant has presented the new, narrower independent claims.

Based upon the foregoing analysis, Applicant contends that independent Claims 17 and 21 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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